



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-55-A

Date: 6 November 2018

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. Olufemi Elias

Decision of: 6 November 2018

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON PROSECUTION MOTION TO DISQUALIFY
JUDGE JEAN-CLAUDE ANTONETTI**

Office of the Prosecutor:

Ms. Laurel Baig
Ms. Barbara Goy
Ms. Katrina Gustafson

Counsel for Mr. Radovan Karadžić:

Mr. Peter Robinson
Ms. Kate Gibson

I, THEODOR MERON, President of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

NOTING the “Second Motion to Disqualify Judge Theodor Meron, Motion to Disqualify Judge William Sekule, and For Related Orders” filed by Karadžić on 12 October 2018 before Judge Jean-Claude Antonetti (“Karadžić Motion”), wherein Karadžić, *inter alia*, requested, pursuant to Rule 18 of the Mechanism’s Rules of Procedure and Evidence (“Rules”), that Judge Antonetti: (i) disqualify me from “participating in any decisions” related to the present case; and (ii) disqualify Judge William H. Sekule from the bench in this case;¹

NOTING the “Prosecution Motion to Strike Karadžić’s Second Motion to Disqualify Judge Theodor Meron, Motion to Disqualify Judge William Sekule, and For Related Orders” filed by the Office of the Prosecutor (“Prosecution”) on 15 October 2018 (“Prosecution Motion to Strike”), wherein the Prosecution requested that I strike the Karadžić Motion on the basis that Judge Antonetti lacks the jurisdiction to consider the matters presented in the Karadžić Motion;²

NOTING the “Order Assigning Judges to the Appeals Chamber to Consider a Matter” filed by me on 17 October 2018 (“Order”), wherein I assigned the Prosecution Motion to Strike to the Appeals Chamber of the Mechanism (“Appeals Chamber”) on the basis that it was in the interests of justice for the Appeals Chamber to resolve the dispute between the parties in this case as to the jurisdiction over the matters presented in Karadžić’s Motion;³

BEING SEISED OF the “Prosecution Motion to Disqualify Judge Jean-Claude Antonetti” filed by the Prosecution on 25 October 2018 (“Prosecution Motion”), wherein the Prosecution requests that Judge Antonetti be disqualified pursuant to Rule 18 of the Rules from deciding the Karadžić Motion should the Appeals Chamber of the Mechanism (“Appeals Chamber”) decide that Judge Antonetti has the jurisdiction to consider the Karadžić Motion;⁴

BEING FURTHER SEISED OF the “Motion for Interim Order and Extension of Time” filed by Karadžić on 1 November 2018 (“Karadžić Motion for Interim Order”), whereby Karadžić requests: (i) that an interim order be issued requiring that Judge Antonetti’s observations in relation to the Prosecution Motion be filed as public; and (ii) an extension of time to respond to the Prosecution Motion until 10 days after Judge Antonetti files his observations;⁵

NOTING the “Decision on Prosecution Motion to Strike Karadžić’s Second Motion to Disqualify Judge Theodor Meron, Motion to Disqualify Judge William Sekule, and for Related Orders” issued

¹ Karadžić’s Motion, para. 1. *See also* Karadžić’s Motion, paras. 8-42.

² *See generally* Prosecution Motion to Strike.

³ Order, p. 2.

⁴ Prosecution Motion, paras. 1, 13.

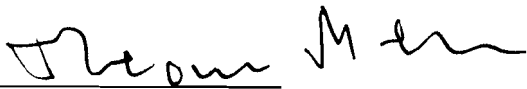
by the Appeals Chamber on 1 November 2018 (“Decision”), whereby the Appeals Chamber struck the Karadžić Motion on the basis that, *inter alia*, “to the extent that an applicant may seek the disqualification of the President from administrative matters related to the applicant’s case, such a request has no legal basis in the Rules” and that “where the President has not been disqualified from sitting in a case following the procedure set out in Rule 18(B)(iv), any subsequent applications for disqualification of a Judge in that case shall be filed before the President, in accordance with Rule 18(B)(iv)”;⁶

FOR THE FOREGOING REASONS,

HEREBY DISMISS the Prosecution Motion and the Karadžić Motion for Interim Order as moot.

Done in English and French, the English version being authoritative.

Done this 6th day of November 2018,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Mechanism]

⁵ Karadžić Motion for Interim Order, paras. 2, 5.

⁶ Decision, para. 13. *See also* Decision, paras. 16-17.



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Case Name/ Affaire :	Prosecutor v. Radovan Karadžić		Case Number/ Affaire n° : MICT-13-55-A
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